

STATEMENT OF PURPOSE

RS23451C1

The purpose of this bill is to clarify that the provisions of Title 42 govern the actions taken by those who are required by law to maintain water delivery systems in safe operating condition and to prevent flooding. Water entities continue to face liability lawsuits for flooding events caused by old growth trees that fall over into waterways and subsequently plug waterways and cause flooding. Water entities are often times threatened or actually sued under the timber trespass statute, which was enacted for purposes other than governing water management. This change leaves in place the "reasonable and necessary" standard found in Title 42, Chapters 11 and 12. This legislation strikes a balance that should help protect property owners from flooding while leaving in place the requirement that water delivery entities do only that which is reasonable and necessary while maintaining canal banks and right-of-way easements.

FISCAL NOTE

No effect on general fund revenues.

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